

EXHIBIT 1

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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 JAMES MILSTEAD, et al., on behalf of
15 themselves and all others similar situated,

16 Plaintiffs,

17 v.

18 General Motors LLC et al.,

19 Defendants.

Case No. 4:21-cv-06338-JST

**CHRIS CARUSO'S RESPONSES AND
OBJECTIONS TO DEFENDANT GENERAL
MOTORS LLC'S SUBPOENA TO PRODUCE
DOCUMENTS, INFORMATION, OR
OBJECTS**

Hon. Jon S. Tigar

PRELIMINARY STATEMENT

Chris Caruso, in accordance with Rules 26, 34, and 45 of the Federal Rules of Civil Procedure, and the Local Rules of the United States District Court for the Northern District of California, makes these Responses and Objections to Defendant General Motors LLC's ("GM") Subpoena to Produce Documents, Information, or Objects dated January 17, 2025 ("Requests"). Caruso reserves the right to later modify, supplement, or amend these objections and responses as additional information becomes available or if information is inadvertently omitted or mistakenly stated herein. These responses should not be construed as, and do not constitute, a waiver of Caruso's right to provide additional facts during other phases of litigation.

Caruso objects to each Request to the extent it seeks documents and information protected by the attorney-client privilege or work-product doctrine or by California and federal privacy law. Caruso does not agree to search for or produce documents subject to these protections and intends, where appropriate, to withhold documents on this basis.

Caruso responds to each Request is solely in his capacity as a percipient fact witness in this Litigation.

OBJECTIONS TO DEFINITIONS

Caruso sets forth the following objections to GM's definitions, which Caruso incorporates by reference into his specific objections to each Request, as applicable to the defined terms used in those Requests, and as set forth below.

1. Caruso objects to Definition No. 1 ("communication") and to Definition No. 4 ("document") to the extent they seek information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, protection, immunity, or doctrine of similar effect, including protections for financial and business records under California and federal privacy law.

2. Caruso object to Definition No. 3 ("Delco Electronics") to the extent "other persons acting, or purporting to act, on behalf of the preceding entities" is vague and ambiguous, Caruso will construe such "other persons" to include individuals, employees, agents, and representatives that he knew or believed to be acting on behalf of those entities.

3. Caruso objects to Definition No. 4 (“document”) to the extent it imposes any obligation on Caruso that is beyond the scope of the Federal Rules of Civil Procedure. Caruso will construe the term “document” consistent with Federal Rule of Civil Procedure 34.

4. Caruso objects to Definition No. 12 (“SDM”) as overbroad and unduly burdensome in that “any type of airbag control unit,” includes SDMs and associated algorithms and calibrations which are not the subject of this Litigation.

5. Caruso objects to Definition No. 14 (“You” and “Your”) as vague, overbroad, and as seeking to extend these Requests beyond the subject of this Subpoena. Caruso also objects to the extent “any agents, representatives or other acting on Your behalf” seeks information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, protection, immunity, or doctrine. Caruso will interpret “You” and “Your” to mean himself.

6. Caruso objects to GM’s use of the terms “regarding” and “related to” in the Requests as vague and ambiguous insofar as GM fails to define these potentially expansive terms.

OBJECTIONS TO INSTRUCTIONS

Caruso incorporates the following objections to the “Instructions” section of the Requests into each objection set forth below to each specific Request. Any specific objection made by Caruso in no respect limits or modifies the objections to the “Instructions” section of the Requests stated herein.

1. Caruso objects to the Instructions to the extent they differ in any material respect from his obligations under the Federal Rules of Civil Procedure, including Rules 34 and 45; Caruso will provide responses consistent with the Federal Rules of Civil Procedure.

OBJECTIONS AND RESPONSES TO DOCUMENTS REQUESTED

REQUEST NO. 1:

All documents and communications relating to the allegations in Plaintiffs’ Complaint that “Old GM overrode serious concerns from a team from Delco Electronics (later called Delphi Electronics, now known as Aptiv), including engineering manager, Chris Caruso” regarding the Subject Vehicles, including but not limited to allegations that “Caruso and a team of software

1 engineers from Delco . . . expressly warned Old GM in or about 1999 that using its strategy to
 2 prematurely cut off the potential for airbag and seatbelt deployment during a crash event was a
 3 reckless and dangerous design decision.”

4 **RESPONSE TO REQUEST NO. 1:**

5 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
 6 and Objections to Instructions as if expressly set forth herein.

7 Caruso objects to this Request as unduly burdensome insofar as it seeks documents to
 8 which GM has equal or greater access and which are more convenient, less burdensome, or less
 9 costly to obtain from sources other than Caruso, such as Aptiv. Caruso also objects to this
 10 Request to the extent it seeks the production of expert or expert consulting materials in other
 11 cases that are or may be covered by a protective order or other applicable privilege or protection.
 12 Caruso further objects to this Request to the extent it calls for premature or otherwise improper
 13 production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and
 14 also calls for documents, communications, or other materials protected from discovery under
 15 Rule 26(b)(4).

16 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
 17 of non-protected (a) documents and communications that reflect information that he acquired as a
 18 percipient fact witness with respect to the SDM Calibration Defect,¹ and (b) documents and
 19 communications from his work in prior litigations that reflect factual information about the SDM
 20 Calibration Defect.

21 **REQUEST NO. 2:**

22 All documents and communications relating to the allegations in Plaintiffs’ Complaint that
 23 “a separate team in charge of the design and development for GM cars rejected GM Trucks’
 24 approach [to SDM calibrations] after hearing (and heeding) the Delco team’s concerns about the
 25 earlier [SDM calibration] cut off.”

28 ¹ “SDM Calibration Defect” shall have the same meaning as defined in Plaintiffs’ Second Amended Class Action Complaint.

RESPONSE TO REQUEST NO. 2:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this request as unduly burdensome insofar as it seeks documents to which GM has equal or greater access and which are more convenient, less burdensome, or less costly to obtain from sources other than Caruso, such as Aptiv. Caruso also objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection. Caruso further objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

Subject to his objections, Caruso will conduct a reasonable search for and produce copies of non-protected (a) documents and communications that reflect information that he acquired as a percipient fact witness with respect to the SDM Calibration Defect, and (b) documents and communications from his work in prior litigations that reflect factual information about the SDM Calibration Defect.

REQUEST NO. 3:

All documents and communications relating to the design, development, and validation of the SDM calibrations in the Subject Vehicles, including but not limited to the SDM software program known as ALGO-S.

RESPONSE TO REQUEST NO. 3:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as unduly burdensome to the extent it is duplicative of Request No. 1. Caruso also objects to this Request as unduly burdensome insofar as it seeks documents to which GM has equal or greater access and which are more convenient, less burdensome, or less costly to obtain from sources other than Caruso, such as Aptiv. Caruso

1 further objects to this Request to the extent it seeks the production of expert or expert consulting
2 materials in other cases that are or may be covered by a protective order or other applicable
3 privilege or protection. Finally, Caruso objects to this Request to the extent it calls for premature
4 or otherwise improper production of expert disclosures, which are governed by the case schedule
5 and Rule 26(a)(2), and also calls for documents, communications, or other materials protected
6 from discovery under Rule 26(b)(4).

7 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
8 of non-protected (a) documents and communications that reflect information that he acquired as a
9 percipient fact witness with respect to the SDM Calibration Defect, and (b) documents and
10 communications from his work in prior litigations that reflect factual information about the SDM
11 Calibration Defect.

12 **REQUEST NO. 4:**

13 All Production Definition Documents (“PDD”), Software Definition Documents (“SDD”),
14 Algorithm Definition Documents (“ADD”), frontal impact calibration summaries, and frontal
15 impact calibration parameter settings for the Subject Vehicles.

16 **RESPONSE TO REQUEST NO. 4:**

17 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
18 and Objections to Instructions as if expressly set forth herein.

19 Caruso objects to this Request as unduly burdensome insofar as it seeks documents to
20 which GM has equal or greater access and which are more convenient, less burdensome, or less
21 costly to obtain from sources other than Caruso, such as Aptiv.

22 Subject to these objections, after a diligent search, Caruso states that he does not have any
23 documents responsive to this Request in his possession, custody, or control.

REQUEST NO. 5:

All documents and communications relating to or describing the event progression timer (“EP-1 timer”) utilized in the Subject Vehicles and the rationale for selecting a given EP-1 timer value for those vehicles.

RESPONSE TO REQUEST NO. 5:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as unduly burdensome insofar as it seeks documents to which GM has equal or greater access and which are more convenient, less burdensome, or less costly to obtain from sources other than Caruso, such as Aptiv. Caruso also objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection. Caruso further objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

Subject to his objections, Caruso will conduct a reasonable search for and produce copies of non-protected (a) documents and communications that reflect information that he acquired as a percipient fact witness with respect to the SDM Calibration Defect, and (b) documents and communications from his work in prior litigations that reflect factual information about the SDM Calibration Defect.

REQUEST NO. 6:

All documents and communications relating to the design, development, and validation of the SDMs used in the Subject Vehicles, including but not limited to the SDM-GS, SDM-11, SDM-30, and SDM-DS.

RESPONSE TO REQUEST NO. 6:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as unduly burdensome insofar as it seeks documents to which GM has equal or greater access and which are more convenient, less burdensome, or less costly to obtain from sources other than Caruso, such as Aptiv. Caruso also objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection. Caruso further objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

Subject to his objections, Caruso will conduct a reasonable search for and produce copies of non-protected (a) documents and communications that reflect information that he acquired as a percipient fact witness with respect to the SDM Calibration Defect, and (b) documents and communications from his work in prior litigations that reflect factual information about the SDM Calibration Defect.

REQUEST NO. 7:

All documents and communications relating to any concerns or warnings expressed by You or Delco Electronics to Old GM or GM regarding the SDM calibrations in the Subject Vehicles.

RESPONSE TO REQUEST NO. 7:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as unduly burdensome insofar as it seeks documents to which GM has equal or greater access and which are more convenient, less burdensome, or less costly to obtain from sources other than Caruso, such as Aptiv. Caruso also objects to this Request to the extent it seeks the production of expert or expert consulting materials in other

1 cases that are or may be covered by a protective order or other applicable privilege or protection.
2 Caruso further objects to this Request to the extent it calls for premature or otherwise improper
3 production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and
4 also calls for documents, communications, or other materials protected from discovery under
5 Rule 26(b)(4).

6 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
7 of non-protected (a) documents and communications that reflect information that he acquired as a
8 percipient fact witness with respect to the SDM Calibration Defect, and (b) documents and
9 communications from his work in prior litigations that reflect factual information about the SDM
10 Calibration Defect.

11 **REQUEST NO. 8:**

12 All documents and communications relating to design considerations for the SDM
13 calibrations in the Subject Vehicles.

14 **RESPONSE TO REQUEST NO. 8:**

15 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
16 and Objections to Instructions as if expressly set forth herein.

17 Caruso objects to this Request as unduly burdensome insofar as it seeks documents to
18 which GM has equal or greater access and which are more convenient, less burdensome, or less
19 costly to obtain from sources other than Caruso, such as Aptiv. Caruso also objects to this
20 Request to the extent it seeks the production of expert or expert consulting materials in other
21 cases that are or may be covered by a protective order or other applicable privilege or protection.
22 Caruso further objects to this Request to the extent it calls for premature or otherwise improper
23 production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and
24 also calls for documents, communications, or other materials protected from discovery under
25 Rule 26(b)(4).

26 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
27 of non-protected (a) documents and communications that reflect information that he acquired as a
28 percipient fact witness with respect to the SDM Calibration Defect, and (b) documents and

1 communications from his work in prior litigations that reflect factual information about the SDM
2 Calibration Defect.

3 **REQUEST NO. 9:**

4 All documents identifying the SDMs and SDM calibrations used in the Subject Vehicles.

5 **RESPONSE TO REQUEST NO. 9:**

6 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
7 and Objections to Instructions as if expressly set forth herein.

8 Caruso also objects to this Request as unduly burdensome insofar as it seeks documents to
9 which GM has equal or greater access and which are more convenient, less burdensome, or less
10 costly to obtain from sources other than Caruso, such as Aptiv. Caruso also objects to this
11 Request to the extent it seeks the production of expert or expert consulting materials in other
12 cases that are or may be covered by a protective order or other applicable privilege or protection.
13 Caruso further objects to this Request to the extent it calls for premature or otherwise improper
14 production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and
15 also calls for documents, communications, or other materials protected from discovery under
16 Rule 26(b)(4).

17 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
18 of non-protected (a) documents that reflect information that he acquired as a percipient fact
19 witness with respect to the SDM Calibration Defect, and (b) documents from his work in prior
20 litigations that reflect factual information about the SDM Calibration Defect.

21 **REQUEST NO. 10:**

22 All documents and communications exchanged between You and Plaintiffs, Plaintiffs'
23 Counsel, and/or any other person or entity regarding this Litigation.

24 **RESPONSE TO REQUEST NO. 10:**

25 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
26 and Objections to Instructions as if expressly set forth herein.

27 Caruso objects to this Request to the extent "All documents and communications" seeks
28 information protected from disclosure by the attorney-client privilege, the work-product doctrine,

1 or any other applicable privilege, protection, immunity, or doctrine of similar effect. Caruso also
2 objects to this Request to the extent it seeks information protected from disclosure by the
3 attorney-client privilege, the work-product doctrine, or any other applicable privilege, protection,
4 immunity, or doctrine of similar effect. Caruso also objects to this Request to the extent it seeks
5 the production of expert or expert consulting materials in other cases that are or may be covered
6 by a protective order or other applicable privilege or protection. Caruso further objects to this
7 Request to the extent it calls for premature or otherwise improper production of expert
8 disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for
9 documents, communications, or other materials protected from discovery under Rule 26(b)(4).

10 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
11 of non-protected (a) documents and communications that reflect information that he acquired as a
12 percipient fact witness with respect to the SDM Calibration Defect, and (b) documents and
13 communications from his work in prior litigations that reflect factual information about the SDM
14 Calibration Defect.

15 **REQUEST NO. 11:**

16 All documents regarding your work in the *McCoy v. General Motors* case, including but
17 not limited to any reports or declarations you submitted and any attachments thereto.

18 **RESPONSE TO REQUEST NO. 11:**

19 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
20 and Objections to Instructions as if expressly set forth herein.

21 Caruso objects to this Request as overbroad and unduly burdensome to the extent “All
22 documents regarding your work” seeks information that is neither relevant to any claim or
23 defense in this Litigation, nor proportional to the needs of this case. Caruso also objects to this
24 Request to the extent it seeks the production of expert or expert consulting materials in other
25 cases that are or may be covered by a protective order or other applicable privilege or protection.
26 Caruso further objects to this Request to the extent it calls for premature or otherwise improper
27 production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and
28

1 also calls for documents, communications, or other materials protected from discovery under
2 Rule 26(b)(4).

3 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
4 of non-protected documents from his work in the *McCoy v. General Motors* case that reflect
5 factual information about the SDM Calibration Defect, including any reports or declarations
6 submitted.

7 **REQUEST NO. 12:**

8 Documents sufficient to identify the “numerous failure to deploy cases where the root
9 cause was determined to be the 45 ms SHUTOFF criteria” referenced in Your May 26, 2022
10 Forensic Report in the *McCoy v. General Motors* case.

11 **RESPONSE TO REQUEST NO. 12:**

12 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
13 and Objections to Instructions as if expressly set forth herein.

14 Caruso objects to this Request as unduly burdensome insofar as it seeks documents to
15 which GM has equal or greater access and which are more convenient, less burdensome, or less
16 costly to obtain from sources other than Caruso, such as Aptiv. Caruso also objects to this
17 Request to the extent it seeks the production of expert or expert consulting materials in other
18 cases that are or may be covered by a protective order or other applicable privilege or protection.

19 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
20 of non-protected documents to identify other failure to deploy cases where the root cause was
21 determined to be the 45 ms SHUTOFF criteria as referenced in his May 26, 2022 Forensic Report
22 in the *McCoy v. General Motors* case.

23 **REQUEST NO. 13:**

24 All documents supporting Your contention in Your May 26, 2022 Forensic Report in the
25 *McCoy v. General Motors* case that “modify[ing] the algorithm calibrations [in the 2018 GMC
26 Sierra HD Frontal impact Safety System] with more robust 120-150ms ep_end_threshold values”
27 was “[t]he safer alternative design.”
28

RESPONSE TO REQUEST NO. 13:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as unduly burdensome insofar as it seeks documents to which GM has equal or greater access and which are more convenient, less burdensome, or less costly to obtain from sources other than Caruso, including Aptiv. Caruso also objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection.

Subject to these objections, in his capacity as a percipient fact witness in this Litigation, Caruso will conduct a reasonable search for and will produce copies of responsive, non-privileged documents and communications to the extent such documents exist.

REQUEST NO. 14:

All documents regarding your work in the *Nossar v. General Motors* case, including but not limited to any reports or declarations You submitted and any attachments thereto.

RESPONSE TO REQUEST NO. 14:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as overbroad and unduly burdensome to the extent “All documents regarding your work” seeks information that is neither relevant to any claim or defense in this Litigation, nor proportional to the needs of this case. Caruso also objects to this Request as unduly burdensome insofar as it seeks documents to which GM has equal or greater access and which are more convenient, less burdensome, or less costly to obtain from sources other than Caruso. Caruso further objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, protection, immunity, or doctrine of similar effect. Finally, Caruso objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection.

1 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
2 of non-protected documents from his work in the *Nossar v. General Motors* case that reflect
3 factual information about the SDM Calibration Defect, including any reports or declarations
4 submitted.

5 **REQUEST NO. 15:**

6 All documents regarding your work in the *Vaith v. General Motors* case, including but not
7 limited to any reports or declarations You submitted and any attachments thereto.

8 **RESPONSE TO REQUEST NO. 15:**

9 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
10 and Objections to Instructions as if expressly set forth herein.

11 Caruso objects to this Request as overbroad and unduly burdensome to the extent “All
12 documents regarding your work” seeks information that is neither relevant to any claim or
13 defense in this Litigation, nor proportional to the needs of this case. Caruso also objects to this
14 Request as unduly burdensome insofar as it seeks documents to which GM has equal or greater
15 access and which are more convenient, less burdensome, or less costly to obtain from sources
16 other than Caruso. Caruso further objects to this Request to the extent it seeks information
17 protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other
18 applicable privilege, protection, immunity, or doctrine of similar effect. Finally, Caruso objects to
19 this Request to the extent it seeks the production of expert or expert consulting materials in other
20 cases that are or may be covered by a protective order or other applicable privilege or protection.

21 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
22 of non-protected documents from his work in the *Vaith v. General Motors* case that reflect factual
23 information about the SDM Calibration Defect, including any reports or declarations submitted.

24 **REQUEST NO. 16:**

25 All documents and communications relating to any allegations by You that the SDM
26 calibrations in the Subject Vehicles are unsafe.

RESPONSE TO REQUEST NO. 16:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects on the grounds that “allegations by You” is vague and ambiguous because Caruso has not made any “allegations” in this case. Caruso also objects to this Request as unduly burdensome insofar as it seeks documents to which GM has equal or greater access and which are more convenient, less burdensome, or less costly to obtain from sources other than Caruso, including Aptiv. Caruso further objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection. Finally, Caruso objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

Subject to his objections, Caruso will conduct a reasonable search for and produce copies of non-protected (a) documents that reflect information that he acquired as a percipient fact witness with respect to the SDM Calibration Defect, and (b) documents from his work in prior litigations that reflect factual information about the SDM Calibration Defect.

REQUEST NO. 17:

All documents and communications relating to any crashes with a purported airbag non-deployment in any Subject Vehicle in which you contend such non-deployment was the result of a defective SDM calibration.

RESPONSE TO REQUEST NO. 17:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as overbroad and unduly burdensome to the extent “All documents and communications relating to any crashes” seeks information that is neither relevant to any claim or defense in this Litigation, nor proportional to the needs of this case. As written, the Request would include non-frontal crashes that are not the subject of this Litigation. Caruso

1 also objects to this Request as unduly burdensome insofar as it seeks documents to which GM has
2 equal or greater access and which are more convenient, less burdensome, or less costly to obtain
3 from sources other than Caruso, including Aptiv. Caruso also objects to this Request to the extent
4 it seeks the production of expert or expert consulting materials in other cases that are or may be
5 covered by a protective order or other applicable privilege or protection. Caruso further objects to
6 this Request to the extent it calls for premature or otherwise improper production of expert
7 disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for
8 documents, communications, or other materials protected from discovery under Rule 26(b)(4).

9 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
10 of non-protected (a) documents and communications that reflect information that he acquired as a
11 percipient fact witness with respect to the SDM Calibration Defect, and (b) documents and
12 communications from his work in prior litigations that reflect factual information about the SDM
13 Calibration Defect.

14 **REQUEST NO. 18:**

15 All documents and communications exchanged between You and NHTSA regarding the
16 SDMs or SDM calibrations in the Subject Vehicles.

17 **RESPONSE TO REQUEST NO. 18:**

18 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
19 and Objections to Instructions as if expressly set forth herein.

20 Subject to these objections, after a diligent search, Caruso states that he does not have any
21 responsive documents in his possession, custody, or control.

22 **REQUEST NO. 19:**

23 All documents and communications relating to SDM calibrations used in the vehicles of
24 vehicle manufacturers' other than GM, including but not limited to documents identifying if the
25 vehicles of manufacturers other than GM include airbag calibrations with cutoff times less than
26 100 milliseconds.

RESPONSE TO REQUEST NO. 19:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as overbroad and unduly burdensome to the extent “All documents and communications” seeks documents and communications that are neither relevant to any claim or defense in this Litigation, nor proportional to the needs of this case. Caruso also objects to this Request as unduly burdensome insofar as it seeks documents to which GM has equal or greater access and which are more convenient, less burdensome, or less costly to obtain from sources other than Caruso. Caruso further objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection. Finally, Caruso objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2).

Subject to these objections, after a diligent search, Caruso states that he does not have any responsive documents in his possession, custody, or control.

REQUEST NO. 20:

All documents and communications regarding any releases or disclaimers between Old GM or GM and Delco Electronics regarding the SDM calibrations in the Subject Vehicles.

RESPONSE TO REQUEST NO. 20:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection. Caruso also objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

1 Subject to his objections, Caruso will conduct a reasonable search for and produce copies
2 of non-protected (a) documents and communications that reflect information that he acquired as a
3 percipient fact witness with respect to the SDM Calibration Defect, and (b) documents and
4 communications from his work in prior litigations that reflect factual information about the SDM
5 Calibration Defect.

6 **REQUEST NO. 21:**

7 All documents and communications regarding the time and cost associated with
8 designing, developing, and validating the SDM calibrations in the Subject Vehicles.

9 **RESPONSE TO REQUEST NO. 21:**

10 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
11 and Objections to Instructions as if expressly set forth herein.

12 Caruso objects to this Request as overbroad and unduly burdensome to the extent “All
13 documents and communications” seeks documents that are neither relevant to any claim or
14 defense in this Litigation, nor proportional to the needs of this case. Caruso also objects to this
15 request as unduly burdensome to the extent that it seeks information that is more readily
16 accessible to or already in the possession of GM. Caruso further objects to this Request to the
17 extent it seeks the production of expert or expert consulting materials in other cases that are or
18 may be covered by a protective order or other applicable privilege or protection. Finally, Caruso
19 objects to this Request to the extent it calls for premature or otherwise improper production of
20 expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for
21 documents, communications, or other materials protected from discovery under Rule 26(b)(4).

22 Subject to these objections, after a diligent search, Caruso states that he does not have any
23 non-protected, responsive documents in his possession, custody, or control.

24 **REQUEST NO. 22:**

25 All documents and communications regarding differences in the SDM calibrations
26 contained in the Subject Vehicles and other GM vehicles, including Old GM cars and GM cars.

RESPONSE TO REQUEST NO. 22:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as overbroad and unduly burdensome to the extent “All documents and communications” seeks documents that are neither relevant to any claim or defense in this Litigation, nor proportional to the needs of this case. Caruso further objects to this Request as unduly burdensome insofar as it seeks documents to which GM has equal or greater access and which are more convenient, less burdensome, or less costly to obtain from sources other than Caruso, including Aptiv. Caruso also objects to this Request to the extent the term “differences” is vague and ambiguous. Caruso further objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection. Finally, Caruso objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

Subject to his objections, Caruso will conduct a reasonable search for and produce copies of non-protected (a) documents and communications that reflect information that he acquired as a percipient fact witness with respect to the SDM Calibration Defect, and (b) documents and communications from his work in prior litigations that reflect factual information about the SDM Calibration Defect.

REQUEST NO. 23:

All engagement letters, contracts, or other documents related to Your work with Plaintiffs in this Litigation.

RESPONSE TO REQUEST NO. 23:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as overbroad and unduly burdensome to the extent “All . . . other documents” seeks information that is neither relevant to any claim or defense in this

1 Litigation, nor proportional to the needs of this case. Caruso also objects to this Request to the
2 extent it seeks information protected from disclosure by the attorney-client privilege, the work-
3 product doctrine, or any other applicable privilege, protection, immunity, or doctrine of similar
4 effect. Caruso further objects to this Request to the extent it calls for premature or otherwise
5 improper production of expert disclosures, which are governed by the case schedule and Rule
6 26(a)(2), and also calls for documents, communications, or other materials protected from
7 discovery under Rule 26(b)(4).

8 Pursuant to these objections, Caruso will not search for or produce any documents in
9 response to this Request.

10 **REQUEST NO. 24:**

11 All engagement letters, contracts, or other documents related to Your work in litigations in
12 which you were disclosed as an expert witness by a party represented by Plaintiffs' Counsel
13 involving allegations of a vehicle defect.

14 **RESPONSE TO REQUEST NO. 24:**

15 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
16 and Objections to Instructions as if expressly set forth herein.

17 Caruso objects to this Request as overbroad and unduly burdensome to the extent "All
18 engagement letters, contracts, or other documents" seeks information that is neither relevant to
19 any claim or defense in this Litigation, nor proportional to the needs of this case. Caruso also
20 objects to this Request to the extent it seeks information protected from disclosure by the
21 attorney-client privilege, the work-product doctrine, or any other applicable privilege, protection,
22 immunity, or doctrine of similar effect. Caruso further objects to this Request to the extent it
23 seeks the production of expert or expert consulting materials in other cases that are or may be
24 covered by a protective order or other applicable privilege or protection. Finally, Caruso objects
25 to this Request to the extent it calls for premature or otherwise improper production of expert
26 disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for
27 documents, communications, or other materials protected from discovery under Rule 26(b)(4).
28

1 Pursuant to these objections, Caruso will not search for or produce any documents in
2 response to this Request.

3 **REQUEST NO. 25:**

4 Documents sufficient to show the number of cases in which You have offered expert
5 opinions that an Old GM or GM vehicle contained a design defect.

6 **RESPONSE TO REQUEST NO. 25:**

7 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
8 and Objections to Instructions as if expressly set forth herein.

9 Caruso objects to this Request as overbroad and unduly burdensome to the extent
10 “contained a design defect” seeks documents that are neither relevant to any claim or defense in
11 this Litigation, nor proportional to the needs of this case. For example, as written this Request
12 would require Caruso to search for and produce records associated with “design defect[s]” that
13 are unrelated to occupant restraint systems. Caruso also objects to this Request to the extent it
14 seeks the production of expert or expert consulting materials in other cases that are or may be
15 covered by a protective order or other applicable privilege or protection.

16 Subject to these objections, after a diligent search, Caruso will produce documents
17 showing responsive cases, but states that he does not have any non-protected responsive
18 documents sufficient to show the total number of responsive cases in his possession, custody, or
19 control.

20 **REQUEST NO. 26:**

21 Documents sufficient to show the number of cases in which You have offered expert
22 opinions that a vehicle that was manufactured by an OEM other than Old GM or GM contained a
23 design defect.

24 **RESPONSE TO REQUEST NO. 26:**

25 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
26 and Objections to Instructions as if expressly set forth herein.

27 Caruso objects to this Request as overbroad and unduly burdensome to the extent
28 “contained a design defect” seeks documents, without temporal limitation, that are neither

1 relevant to any claim or defense in this Litigation, nor proportional to the needs of this case. For
2 example, as written this Request would require Caruso to search for and produce any records
3 associated with “design defect[s]” that are unrelated to occupant restraint systems. Caruso also
4 objects to this Request to the extent it seeks the production of expert or expert consulting
5 materials in other cases that are or may be covered by a protective order or other applicable
6 privilege or protection.

7 Subject to these objections, after a diligent search, Caruso will produce documents
8 showing responsive cases, but states that he does not have any non-protected responsive
9 documents sufficient to show the total number of responsive cases in his possession, custody, or
10 control.

11 **REQUEST NO. 27:**

12 Documents sufficient to show the number and identification of cases in which You
13 evaluated but did not offer opinions regarding a non-deployment of an airbag designed by Old
14 GM or GM.

15 **RESPONSE TO REQUEST NO. 27:**

16 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
17 and Objections to Instructions as if expressly set forth herein.

18 Caruso objects to the Request to the extent the phrase “evaluated but did not offer
19 opinions” is vague and ambiguous, and overbroad and unduly burdensome to the extent it seeks
20 documents, without temporal limitation, that are neither relevant to any claim or defense in this
21 Litigation, nor proportional to the needs of this case.

22 Subject to these objections, in his capacity as a percipient fact witness in this Litigation,
23 Caruso will conduct a reasonable search for and will produce copies of responsive, non-privileged
24 documents and communications to the extent such documents exist.

25 **REQUEST NO. 28:**

26 Transcripts from any testimony in depositions or trials in any case which You have
27 offered expert opinions that an Old GM or GM vehicle contained a design defect.

28

RESPONSE TO REQUEST NO. 28:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as overbroad and unduly burdensome to the extent it seeks documents that are neither relevant to any claim or defense in this Litigation, nor proportional to the needs of this case. Caruso also objects to this Request to the extent that it seeks information that is more readily accessible to or already in the possession of GM. Caruso further objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection. Finally, Caruso objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

Subject to these objections, after a diligent search, Caruso states that he does not have any responsive documents in his possession, custody, or control.

REQUEST NO. 29:

Transcripts from any testimony in depositions or trials in any case where You have discussed crash sensing strategies for concatenated events.

RESPONSE TO REQUEST NO. 29:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request to the extent that it seeks information that is more readily accessible to or already in the possession of GM. Caruso also objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection. Caruso further objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

1 Subject to these objections, after a diligent search, Caruso states that he does not have any
2 responsive documents in his possession, custody, or control.

3 **REQUEST NO. 30:**

4 Documents sufficient to show income You have received for work in which You offered
5 expert opinions that an Old GM or GM designed vehicle contains a design defect.

6 **RESPONSE TO REQUEST NO. 30:**

7 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
8 and Objections to Instructions as if expressly set forth herein.

9 Caruso objects to this Request as overbroad and unduly burdensome to the extent that it
10 includes records, without temporal limitation, that are neither relevant to any claim or defense in
11 this Litigation, nor proportional to the needs of this case. Caruso also objects to this Request to
12 the extent it calls for premature or otherwise improper production of expert disclosures, which are
13 governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications,
14 or other materials protected from discovery under Rule 26(b)(4).

15 Subject to these objections, Caruso will not search for or produce any documents in
16 response to this Request.

17 **REQUEST NO. 31:**

18 Documents sufficient to show the number of cases in which You have offered expert
19 opinions that any vehicle, including but not limited to an Old GM or GM designed vehicle,
20 contained a design defect.

21 **RESPONSE TO REQUEST NO. 31:**

22 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
23 and Objections to Instructions as if expressly set forth herein.

24 Caruso objects to this Request as overbroad and unduly burdensome to the extent it seeks
25 information, without temporal limitation, that is neither relevant to any claim or defense in this
26 Litigation, nor proportional to the needs of this case. Caruso also objects to the Request as unduly
27 burdensome in that it is duplicative of Requests No. 25 and No. 26. Caruso further objects to this
28

1 Request to the extent it seeks the production of expert or expert consulting materials in other
2 cases that are or may be covered by a protective order or other applicable privilege or protection.

3 Subject to these objections, after a diligent search, Caruso will produce documents
4 showing responsive cases, but states that he does not have any non-protected responsive
5 documents sufficient to show the total number of responsive cases in his possession, custody, or
6 control.

7 **REQUEST NO. 32:**

8 Documents sufficient to show income You have received for work in which You offered
9 expert opinions that any vehicle, including but not limited to an Old GM or GM designed vehicle,
10 contained a design defect.

11 **RESPONSE TO REQUEST NO. 32:**

12 Caruso incorporates by reference the Preliminary Statement, Objections to Definitions,
13 and Objections to Instructions as if expressly set forth herein.

14 Caruso objects to this Request as overbroad and unduly burdensome to the extent that
15 “Documents sufficient to show income” includes records that are neither relevant to any claim or
16 defense in this Litigation, nor proportional to the needs of this case. Caruso also objects to the
17 Request to the extent it includes financial information and other records protected by California
18 and federal privacy laws. Caruso further objects to this Request to the extent it calls for premature
19 or otherwise improper production of expert disclosures, which are governed by the case schedule
20 and Rule 26(a)(2), and also calls for documents, communications, or other materials protected
21 from discovery under Rule 26(b)(4).

22 Pursuant to these objections, Caruso will not search for or produce any documents in
23 response to this Request.

24 **REQUEST NO. 33:**

25 Documents sufficient to show the number of cases in which You have offered expert
26 opinions on behalf of a party represented by Plaintiffs’ Counsel.

RESPONSE TO REQUEST NO. 33:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

Pursuant to these objections, Caruso will not search for or produce any documents in response to this Request.

REQUEST NO. 34:

Documents sufficient to show income You have received for work in which You were retained by a party represented by Plaintiffs' Counsel.

RESPONSE TO REQUEST NO. 34:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as overbroad and unduly burdensome to the extent that "Documents sufficient to show income" includes records that are neither relevant to any claim or defense in this Litigation, nor proportional to the needs of this case. Caruso also objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

Pursuant to these objections, Caruso will not search for or produce documents in response to this Request.

REQUEST NO. 35:

Documents sufficient to show income You have received from work in which You were retained to evaluate the performance of a vehicle designed by Old GM or GM.

RESPONSE TO REQUEST NO. 35:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request as overbroad and unduly burdensome to the extent that “Documents sufficient to show income” includes records that are neither relevant to any claim or defense in this Litigation, nor proportional to the needs of this case. Caruso also objects to the extent “You were retained to evaluate the performance of a vehicle” is vague and ambiguous. Caruso further objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

Pursuant to these objections, Caruso will not search for or produce documents in response to this Request.

REQUEST NO. 36:

Documents sufficient to identify all cases in which You have opined that airbag non-deployment was attributable in whole or in part by a crash sensing algorithm defect.

RESPONSE TO REQUEST NO. 36:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein. Caruso also objects to this Request to the extent it seeks the production of expert or expert consulting materials in other cases that are or may be covered by a protective order or other applicable privilege or protection. Caruso further objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2), and also calls for documents, communications, or other materials protected from discovery under Rule 26(b)(4).

Subject to his objections, Caruso will conduct a reasonable search for and produce copies of non-protected documents from his work in prior litigations that reflect factual information about airbag non-deployments attributable in whole or in part to a crash sensing algorithm defect.

REQUEST NO. 37:

All documents and communications related to any financial interest You have to this Litigation, including but not limited to any payments you have received or expect to receive in connection to this Litigation or any financial interest You have in the outcome of this Litigation.

RESPONSE TO REQUEST NO. 37:

Caruso incorporates by reference the Preliminary Statement, Objections to Definitions, and Objections to Instructions as if expressly set forth herein.

Caruso objects to this Request to the extent it seeks information protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, protection, immunity, or doctrine of similar effect. Caruso further objects to this Request to the extent it calls for premature or otherwise improper production of expert disclosures, which are governed by the case schedule and Rule 26(a)(2).

Subject to these objections, in his capacity as a percipient fact witness in this Litigation, Caruso does not have any responsive, non-protected documents in his possession, custody, or control, as he has no financial interest in the outcome of this Litigation.

Dated: March 24, 2025

Respectfully submitted,

By: /s/ Roland Tellis

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Counsel for Chris Caruso

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was served on counsel of record for the parties in this action via e-mail on this 24th day of March, 2025.

/s/ Adam M. Tamburelli